

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

NEAL CLIPPER,

Plaintiff,

- against -

RADAR ONLINE LLC

Defendant.

Docket No. 1:18-cv-6177

JURY TRIAL DEMANDED

**COMPLAINT**

Plaintiff Neal Clipper (“Clipper” or “Plaintiff”) by and through his undersigned counsel, as and for his Complaint against Defendant Radar Online LLC, (“Radar” or “Defendant”) hereby alleges as follows:

**NATURE OF THE ACTION**

1. This is an action for copyright infringement under Section 501 of the Copyright Act. This action arises out of Defendant’s unauthorized reproduction and public display of a copyrighted photograph of The Real Housewives of New Jersey television star Teresa Giudice with her husband Joseph Giudice at their wedding owned and registered by Clipper, a professional photographer. Accordingly, Clipper seeks monetary relief under the Copyright Act of the United States, as amended, 17 U.S.C. § 101 *et seq.*

**JURISDICTION AND VENUE**

2. This claim arises under the Copyright Act, 17 U.S.C. § 101 *et seq.*, and this Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

3. This Court has personal jurisdiction over Defendant because Defendant resides in and/or transacting doing business in New York and is registered to do business in the State of New York.

4. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b).

### **PARTIES**

5. Clipper is a professional photographer having a usual place of business at 416 East Central Boulevard, Palisades Park, New Jersey 07650.

6. Upon information and belief, Radar is a foreign business corporation duly organized and existing under the laws of the State of Delaware, with a place of business at 4 New York Plaza, 4<sup>th</sup> Floor, New York, New York 10004. Upon information and belief, Radar is registered with the New York Department of State, Division of Corporations to do business in the State of New York. At all times material hereto, Radar has owned and operated a website at the URL: [www.RadarOnline.com](http://www.RadarOnline.com) (the “Website”).

### **STATEMENT OF FACTS**

#### **A. Background and Plaintiff’s Ownership of the Photograph**

7. Clipper photographed The Real Housewives of New Jersey star Teresa Giudice and Joseph Giudice at their wedding (the “Photograph”). A true and correct copy of the Photograph is attached hereto as Exhibit A.

8. Clipper is the author of the Photograph and has at all times been the sole owner of all right, title and interest in and to the Photograph, including the copyright thereto.

9. The Photograph was registered with United States Copyright Office and was given Copyright Registration Number VA 2-027-519.

#### **B. Defendant’s Infringing Activities**

10. Radar ran an article on the Website entitled *Reshoot! 'RHONJ' Wants Teresa to Film New Scenes About Joe's Deportation Drama*. See <https://radaronline.com/exclusives/2018/06/teresa-giudice-wants-big-money-film-rhonj-joe-giudice-deportation/>. The article prominently featured the Photograph. A screen shot of the article with the Photograph is attached hereto as Exhibit B.

11. Radar did not license the Photograph from Plaintiff for its article, nor did Radar have Plaintiff's permission or consent to publish the Photograph on its Website.

**CLAIM FOR RELIEF**  
**(COPYRIGHT INFRINGEMENT AGAINST RADAR)**  
**(17 U.S.C. §§ 106, 501)**

12. Plaintiff incorporates by reference each and every allegation contained in Paragraphs 1-11 above.

13. Radar infringed Plaintiff's copyright in the Photograph by reproducing and publicly displaying the Photograph on the Website. Radar is not, and has never been, licensed or otherwise authorized to reproduce, publically display, distribute and/or use the Photograph.

14. The acts of Defendant complained of herein constitute infringement of Plaintiff's copyright and exclusive rights under copyright in violation of Sections 106 and 501 of the Copyright Act, 17 U.S.C. §§ 106 and 501.

15. Upon information and belief, the foregoing acts of infringement by Radar have been willful, intentional, and purposeful, in disregard of and indifference to Plaintiff's rights.

16. As a direct and proximate cause of the infringement by the Defendant of Plaintiff's copyright and exclusive rights under copyright, Plaintiff is entitled to damages and defendant's profits pursuant to 17 U.S.C. § 504(b) for the infringement.

17. Alternatively, Plaintiff is entitled to statutory damages up to \$150,000 per work infringed for Defendant's willful infringement of the Photograph, pursuant to 17 U.S.C. § 504(c).

18. Plaintiff further is entitled to his attorney's fees and full costs pursuant to 17 U.S.C. § 505.

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests judgment as follows:

1. That Defendant Radar be adjudged to have infringed upon Plaintiff's copyrights in the Photograph in violation of 17 U.S.C §§ 106 and 501;
2. That Plaintiff be awarded either: a) Plaintiff's actual damages and Defendant's profits, gains or advantages of any kind attributable to Defendant's infringement of Plaintiff's Photographs; or b) alternatively, statutory damages of up to \$150,000 per copyrighted work infringed pursuant to 17 U.S.C. § 504;
3. That Defendant be required to account for all profits, income, receipts, or other benefits derived by Defendant as a result of its unlawful conduct;
4. That Plaintiff be awarded his costs, expenses and attorneys' fees pursuant to 17 U.S.C. § 1203(b);
5. That Plaintiff be awarded pre-judgment interest; and
6. Such other and further relief as the Court may deem just and proper.

### **DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a trial by jury on all issues so triable in accordance with Federal Rule of Civil Procedure 38(b).

Dated: Valley Stream, New York  
July 8, 2018

LIEBOWITZ LAW FIRM, PLLC

By: /s/Richard Liebowitz

Richard P. Liebowitz

11 Sunrise Plaza, Suite 305

Valley Stream, NY 11580

Tel: (516) 233-1660

RL@LiebowitzLawFirm.com

*Attorneys for Plaintiff Neal Clipper*